

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE WATTLES COMPANY, a Washington
corporation,

Plaintiff,

v.

SCOTTSDALE INSURANCE COMPANY, *et. al.*

Defendants

NO. 3:14cv-05097-RBL

DEFENDANT NORTHFIELD'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

**Note On Motion Calendar: December
12, 2014**

Northfield Insurance Company moves for partial summary judgment dismissing Wattles' claims for breach of contract and declaratory relief on the following grounds:

1. The policy only covers "loss or damage commencing during the policy period." There is no evidence that any of the presently claimed damage began when Northfield insured the premises.

2. The policy only covers damage to the building itself and does not cover damage to the land and water around it.

3. Even if the building damage commenced between November 1995 and November 1996, it is excluded:

- a. By the absolute pollution exclusion,
- b. By the exclusion for vapor and gas from industrial operations,
- c. By the exclusion for corrosion,
- d. By the exclusion for wear and tear, and

DEFENDANT NORTHFIELD'S MOTION FOR PARTIAL SUMMARY JUDGMENT- 1

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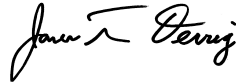
1 e. By the exclusion for deterioration.

2 Northfield also joins in defendant Admiral's motion for partial summary judgment
3 to the extent that motion is based on a contractual suit limitation. (Dkt. 89, p. 20)
4 Northfield has an identical suit limit in its policy.

5 This motion is based upon the Complaint (Dkt. 3), Northfield's Answer (Dkt. 40),
6 the Declaration of James T. Derrig, the Second Declaration of James T. Derrig, Defendants'
7 Joint Statement of Common Facts, and the accompanying Memorandum Of Points And
8 Authorities.

9 DATED this 20th day of November, 2014.

10 JAMES T. DERRIG
11 ATTORNEY AT LAW PLLC

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14 James T. Derrig, WSBA 13471
15 Attorney for defendant Northfield
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DEFENDANT NORTHFIELD'S MOTION FOR PARTIAL SUMMARY JUDGMENT- 2

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